

EXHIBIT H

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4
5 ORACLE AMERICA, INC.,)
6 Plaintiff,)
7 vs.) No. CV 10-03561 WHA
8 GOOGLE, INC.,)
9 Defendant.)
10 _____)

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15 Videotaped Federal Rule 30(b)(6), Topics 8 and 10,
16 Volume 2, deposition of ANDREW E. RUBIN, taken at
17 the law offices of King & Spalding LLP, 333 Twin
18 Dolphin Drive, Suite 400, Redwood Shores,
19 California, commencing at 9:01 a.m., on Thursday,
20 August 18, 2011, before Leslie Rockwood, RPR,
21 CSR No. 3462.

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25 PAGES 34 - 162

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<p>1 A. Yes.</p> <p>2 Q. Did you write -- did you create this</p> <p>3 presentation?</p> <p>4 A. I created parts of it.</p> <p>5 Q. Okay. Why don't you turn to the very last 09:42:20</p> <p>6 page. It has the production number ending in 363. And I</p> <p>7 wanted to ask you about the bottom set of bullet points</p> <p>8 under the heading "For Google."</p> <p>9 Do you see that?</p> <p>10 A. I might be on the wrong page here. Sorry. 09:42:37</p> <p>11 I'm on the wrong page.</p> <p>12 Q. No problem.</p> <p>13 MS. ANDERSON: Feel free to give yourself a</p> <p>14 chance to look at whatever you need.</p> <p>15 Q. BY MR. HOLTZMAN: Sure. I'm just -- 09:42:46</p> <p>16 directing your attention, I'm going to ask you questions</p> <p>17 about the bottom set of bullet points under "For Google."</p> <p>18 Do you see where I am?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And the bullet point under "For 09:43:02</p> <p>21 Google" -- let me strike that.</p> <p>22 The heading of this page says: "Plan: Beat</p> <p>23 Microsoft and Symbian to volume by offering an Open</p> <p>24 Source handset solution."</p> <p>25 Did I read that correctly? 09:43:15</p> <p style="text-align: right;">71</p>	<p>1 services?</p> <p>2 A. Yeah, the third check box under that point.</p> <p>3 Q. And that third check point says: "Enable</p> <p>4 Google applications such as Gmail and local out of the</p> <p>5 box." Correct? 09:44:27</p> <p>6 A. Yes.</p> <p>7 Q. Was deploying an Open Source handset platform</p> <p>8 with built-in Google services a part of Google's business</p> <p>9 model for Android at the time this was written?</p> <p>10 MS. ANDERSON: Objection. 09:44:41</p> <p>11 THE WITNESS: In September 2005, yes, it was.</p> <p>12 Q. BY MR. HOLTZMAN: Why?</p> <p>13 A. Because I think that was a market</p> <p>14 differentiator. Handsets before then didn't have a lot</p> <p>15 of applications from Google. 09:44:54</p> <p>16 Q. What handsets are you referring to in that</p> <p>17 answer?</p> <p>18 A. The handsets of the time, Blackberry,</p> <p>19 Symbian, Microsoft. The title of this slide is about</p> <p>20 Microsoft and Symbian. 09:45:15</p> <p>21 Q. Specifically beating Microsoft and Symbian to</p> <p>22 volume; correct?</p> <p>23 A. Yes.</p> <p>24 Q. The volume of what, by the way?</p> <p>25 A. Smartphones. 09:45:23</p> <p style="text-align: right;">73</p>
<p>1 A. Yes, you did.</p> <p>2 Q. So as part of the plan referred to on this</p> <p>3 slide, the bullet point under "For Google" reads:</p> <p>4 "Deploy an Open Source handset platform with built-in</p> <p>5 Google services." 09:43:28</p> <p>6 Do you see that?</p> <p>7 A. Yes. I should comment that these were</p> <p>8 actually not part of the presentation. They were backup</p> <p>9 slides to the presentation. So they actually weren't</p> <p>10 shared with the group. 09:43:37</p> <p>11 Q. Okay. That's fine. Nonetheless, they were</p> <p>12 written by you or a member of your group; correct?</p> <p>13 MS. ANDERSON: Objection. Form.</p> <p>14 THE WITNESS: Presumably, yes.</p> <p>15 Q. BY MR. HOLTZMAN: And the bullet point I just 09:43:47</p> <p>16 read, what's -- the reference to built-in Google</p> <p>17 services, what did that mean?</p> <p>18 MS. ANDERSON: Objection. Form.</p> <p>19 THE WITNESS: I believe it meant shipping</p> <p>20 Google applications on top of handsets. 09:44:02</p> <p>21 Q. BY MR. HOLTZMAN: And in your answer, you</p> <p>22 said Google applications. What do you mean by Google</p> <p>23 applications?</p> <p>24 A. Applications such as Gmail.</p> <p>25 Q. So that's what's meant by built-in Google 09:44:14</p> <p style="text-align: right;">72</p>	<p>1 Q. Now, you referred in one of your previous</p> <p>2 answers to having Google applications on your -- on</p> <p>3 Android's smartphones being a differentiator. Can you</p> <p>4 just explain more what you mean by that?</p> <p>5 A. Well, I think that -- I mean, to consumers, 09:45:35</p> <p>6 you know, at the time all smartphones looked the same.</p> <p>7 They could make and receive phone calls, they had an</p> <p>8 address book. They were great communications devices,</p> <p>9 but they weren't very good internet devices. And I think</p> <p>10 the opportunity at the time was to basically make phones 09:45:53</p> <p>11 feel and behave like your desktop and laptop computers,</p> <p>12 be better customers of the internet. And we thought that</p> <p>13 was the -- that was the opportunity for Android.</p> <p>14 And obviously Google, as an internet company,</p> <p>15 would see great benefit to distributing their 09:46:10</p> <p>16 applications such as Gmail and local onto the -- onto</p> <p>17 what we thought was going to be the next wave of</p> <p>18 computing devices.</p> <p>19 Q. What was the nature of that great benefit to</p> <p>20 Google? 09:46:25</p> <p>21 A. Distribution.</p> <p>22 Q. And how does distribution translate into a</p> <p>23 benefit to Google?</p> <p>24 A. The more people that use Google services, the</p> <p>25 more opportunity Google has to get new customers. 09:46:35</p> <p style="text-align: right;">74</p>

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<p>1 Q. And why does getting new customers matter to 2 Google? 3 A. Because Google can advertise to them. 4 Q. And why does advertising to those customers 5 matter to Google? 09:46:48 6 A. Obviously, there's a -- there's a -- that's 7 Google's core business. 8 Q. And that core business generates revenue for 9 Google; correct? 10 A. Yes. 09:47:00 11 Q. And that's at least one of the reasons that 12 that core business is important to Google; correct? 13 A. That it generates revenue? 14 Q. Yes. 15 A. You're asking me if making money is important 09:47:07 16 to Google? 17 Q. That's what I'm asking you. 18 A. Yes. 19 Q. I want to go back to the part of this slide 20 that reads: "Challenge Symbian and Microsoft by beating 09:47:19 21 them to volume in the handset space." 22 Why, if at all, was volume in the handset 23 space important to Google? 24 A. Distribution. 25 Q. So distribution translating into revenue for 09:47:32</p> <p style="text-align: right;">75</p>	<p>1 standard of the web, but it was what the industry 2 typically referred to as a walled garden, meaning that it 3 was exclusive to the industry and it -- they did not 4 permit outsiders to interact with them. 5 Q. BY MR. HOLTZMAN: And the outsiders in that 09:49:03 6 answer would include Google? 7 A. Yes. 8 Q. You can put that document aside I think for 9 now. 10 Have you ever had discussions with the 09:49:20 11 executive management at Google about problems with mobile 12 phones prior to Android? 13 MS. ANDERSON: One second. 14 Objection. Form, beyond the scope. 15 MR. HOLTZMAN: We'll get to that in the next 09:49:38 16 question. You may answer, please. 17 THE WITNESS: I don't remember any specific 18 discussions of that. 19 Q. BY MR. HOLTZMAN: Well, let me ask this: Has 20 addressing problems with mobile phones been part of 09:49:46 21 Google's business objectives for Android? 22 MS. ANDERSON: Objection. Form. 23 THE WITNESS: Again, I think there's -- I 24 don't know if you're referring to technology or market, 25 you know -- you know, the state of the market or what. 09:50:00</p> <p style="text-align: right;">77</p>
<p>1 Google; correct? 2 A. Ultimately -- again, the way Google's 3 business works is it's heavily based on consumer choice. 4 So just because a handset has Gmail or local services 5 doesn't mean the consumer is going to use them. So 09:47:47 6 distribution is key to basically expose consumers to 7 Google's services. 8 The wireless industry used to work in a 9 different way where we were actually restricted from what 10 we could put on handsets. So users weren't permitted 09:47:59 11 access Google even if they wanted to. 12 So I think just having the ability to access 13 Google's services was one of the key strategies. 14 Q. How was Google restricted from what Google 15 could put on handsets by -- outside the Android context? 09:48:18 16 MS. ANDERSON: Objection. Form, beyond the 17 scope. 18 THE WITNESS: In the time -- and we're 19 talking about 2005 -- feature phones were the prevalent 20 phone platform. Not all the feature phones could access 09:48:31 21 the internet. So there was a technology problem, number 22 one. And secondly, the wireless ecosystem created new 23 standards that were parallels to the internet. 24 For example, they created a standard called 25 WAP, which was roughly equivalent to the internet 09:48:48</p> <p style="text-align: right;">76</p>	<p>1 So it's hard to answer that. 2 Q. BY MR. HOLTZMAN: That's fair. And so let's 3 look at a document and see if it focuses in. I'll hand 4 you what was previously marked as Exhibit 147. 5 This is an email from Rich Miner to you, 09:50:40 6 dated October 12th, 2005; correct? 7 A. Bear with me for one second here -- 8 Q. Sure. 9 A. -- while I refresh my memory. 10 Okay. Okay. Sorry, your question was? 09:51:18 11 Q. It's an email, at least at the top of this 12 document, from Mr. Miner to you; correct? 13 A. Yes. 14 Q. And the -- the -- let me ask: Is the part of 15 this email after the word "Rich" near the first -- near 09:51:30 16 the top of the first page actually something you had 17 written? 18 A. I -- I don't recall. It does appear that 19 this email is just a partial email because the subject is 20 a response to something. So it doesn't look like this 09:51:45 21 email was just an email from Rich to me. 22 Q. Right. But you don't remember whether you 23 had written the remainder under the word "deep"? 24 A. Give me one more second to read through it. 25 Q. Sure. No problem. 09:52:00</p> <p style="text-align: right;">78</p>